



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

JUN 17 2019

Mr. Stuart Peenstra
Chief of Police
Town of Seneca Falls Police Department
130 Ovid Street
Seneca Falls, New York 13148

Dear Chief Peenstra:

Thank you for your letter dated March 1, 2019, addressed to Secretary Bernhardt, requesting guidance on the authority of the Cayuga Indian Nation Law Enforcement Division. In your letter, you ask six particular, but overlapping questions regarding criminal jurisdiction on the Cayuga Indian Nation Reservation. Secretary Bernhardt asked our office to respond to you on his behalf.

Currently, the Department of the Interior (Department) does not have any relationship with the Tribe's Law Enforcement Department and the Tribe does not receive any funding from the Department for law enforcement purposes. In addition, Cayuga Indian Nation officers are not federally commissioned under 25 U.S.C. § 2804. However, Federal funding or commissioning is not necessary for the Cayuga Indian Nation to exercise its inherent sovereign authority to enforce its own laws inside the Cayuga Indian Nation Reservation boundaries through a law enforcement program.

Both Federal and State Courts have ruled that the Cayuga Indian Nation Reservation has not been diminished or disestablished.¹ While the Tribe does not have lands in trust, all lands within the exterior boundaries of the Reservation are considered Indian Country under Federal law.² Therefore, the Department's position is that the Cayuga Indian Nation may enforce its own criminal laws against Indians within the boundaries of the Reservation. Although the New York Act, 25 U.S.C. § 232, gave the State of New York criminal jurisdiction over Indian Country within the State, the State's jurisdiction is concurrent with Cayuga Indian Nation and Federal jurisdiction. *United States v. Cook*, 922 F.2d 1026 (2nd Cir. 1991).

If you have further questions, you may contact Mr. Terrell Leonard, District IV Special Agent-in-Charge, Bureau of Indian Affairs, Office of Justice Services, at (615) 564-6605.

Sincerely,

Darryl LaCounte
Director, Bureau of Indian Affairs

cc: The Honorable Clint Halftown, Chairman, Cayuga Indian Nation
Mr. James P. Kennedy, Jr., United States Attorney, Western District of New York

¹ *Cayuga Indian Nation of N.Y. v. Seneca County*, 260 F. Supp.3d 290 (W.D.N.Y. 2017); *Cayuga Indian Nation of N.Y. v. Gould*, 14 N.Y.3d 614 (2010); *Cayuga Indian Nation of N.Y. v. Cuomo*, 758 F. Supp. 107 (N.D.N.Y. 1991).

² 18 U.S.C. § 1151; *Seymour v. Superintendent of Wash. State Penitentiary*, 368 U.S. 351 (1962).

received
6/26/19 JJ